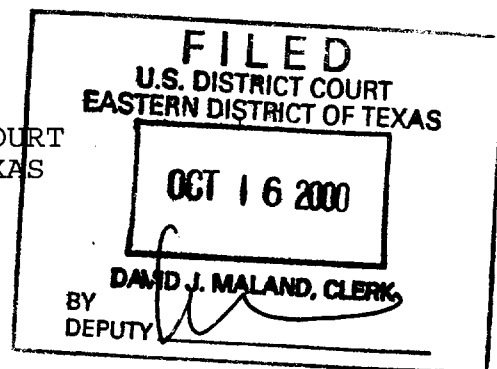


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION



NATHAN L. JACKSON, Individually §  
and on behalf of a putative §  
class of similarly situated §  
individuals, §

Plaintiffs, §

V. §

EAST TEXAS MEDICAL CENTER, §  
ATHENS, ET AL, §

Defendants and §  
Third-Party Plaintiffs, §

V. §

AETNA HEALTH AND LIFE §  
INSURANCE COMPANY, ET AL, §

Third-Party Defendants. §

CIVIL ACTION NO. 6:00-CV-442

**PROVIDENT'S ORIGINAL ANSWER  
TO DEFENDANTS' FIRST AMENDED THIRD-PARTY COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Provident Life and Accident Insurance Company [hereinafter "Provident"], one of the Third-Party Defendants herein, and would respectfully show the Court the following in answer to Defendants' First Amended Third-Party Complaint [hereinafter "Complaint"]:

I.

In answer to paragraph 41 of section I of the Complaint, Provident admits that its registered agent, CT Corporation, may be served at 350 N. St. Paul Street, Dallas, Texas 75201, but states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in said section I.

107

II.

In answer to section II of the Complaint, Provident states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

III.

In answer to section III of the Complaint, Provident denies that it has any "agreements" or "contracts" with Defendants/Third-Party Plaintiffs with respect to any payments, refunds or discounts referenced in said section III, but states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in said section III.

IV.

In answer to section IV of the Complaint, Provident denies that Defendants/Third-Party Plaintiffs are entitled to contribution or indemnity from Provident, and denies that Provident is liable to Defendants/Third-Party Plaintiffs for any erroneously-refunded payments, but states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in said section IV.

V.

In answer to section V of the Complaint, Provident states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

VI.

In answer to section VI of the Complaint, Provident denies that Defendants/Third-Party Plaintiffs are entitled to any relief from Provident, but states that it is without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations contained therein.

VII.

To the extent not otherwise addressed above, Provident denies each of the allegations contained in the Complaint.

VIII.

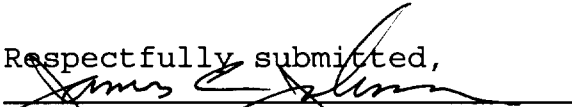
Provident asserts that the claims asserted against it by Defendants/Third-Party Plaintiffs are barred by the applicable statutes of limitation, and by laches.

IX.

Provident asserts that Provident is not a proper party herein, is not a real party in interest and has been sued in the wrong capacity.

WHEREFORE, PREMISES CONSIDERED, Provident prays that Defendants/Third-Party Plaintiffs take nothing by their suit against Provident, and that Provident recover its reasonable attorney's fees and costs from Defendants/Third-Party Plaintiffs, and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

  
James L. Johnson  
Texas Bar No. 10742020

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ATTORNEY-IN-CHARGE FOR  
THIRD-PARTY DEFENDANT  
PROVIDENT LIFE AND  
ACCIDENT INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of October, 2000, a true and correct copy of the foregoing was served on Michael E. Jones, counsel for Third-Party Plaintiffs, by certified mail, return receipt requested, and on each of the following attorneys by first class mail:

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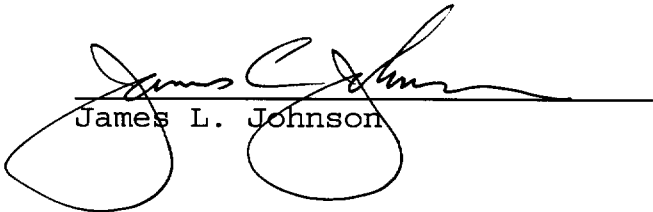
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